

REMARKS

Filed concurrently herewith is a Request for a One-Month Extension of Time which extends the shortened statutory period for response to December 29, 2006. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Official Action dated August 29, 2006 has been received and its contents carefully noted. In view thereof, claim 3 has been amended and new claims 7-9 have been added in order to better define that which Applicants regard as the invention. Accordingly, claims 1-9 are presently pending in the instant application with claims 1 and 2 being withdrawn from further consideration by the Examiner as being drawn to a non-elected invention.

With reference now to the Official Action and particularly page 2 thereof, Applicants hereby confirm the election of Group II, claims 3-6, drawn to a method of fabricating a frame. Accordingly, with the indication of allowable subject matter, the Examiner is hereby authorized to cancel claims 1 and 2.

With reference to paragraph 3 of the Office Action, claims 3 and 4 are being rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0069833 to Aota et al. This rejection is respectfully traversed in that the patent to Aota et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As can be seen from the foregoing amendments, independent claim 3 recites a method for fabricating a frame comprising the steps of preparing an outer frame member of T-shaped section having an extension extending inwardly, the outer frame member being formed to have an elongated shape and being curved, preparing an inner frame member having a flat portion abutting against the extension of the outer frame member, the inner frame member being formed to have an elongated shape and being curved in accordance with the shape of

the longitudinal direction of the outer frame member and friction stir welding the outer frame member and the inner frame member 7 to draw to a curve on their seam with the curved edge of the extension of the outer frame member abutting against the curved edge of the flat portion of the inner frame member. Support for these limitations are clearly set forth in Applicants' specification on page 6, lines 12-18 as well as Figs. 3A, 3B, 4A, 4B and 6. Accordingly, in accordance with Applicants' claimed invention, the outer frame member of the T-shaped section is formed of an elongated shape and the inner frame member is formed of a compatible elongated curved shape such that the curved edge of the outer frame member is abutted against the curved edge of the inner frame member, and friction stir welding the outer frame member and the inner frame member is carried out so as to draw a curve along the seam. Clearly, the patent to Aota et al. neither discloses nor remotely suggests this feature.

That is, in reviewing the teachings of Aota et al., it is noted that this reference merely discloses carrying out a friction welding process along a linear length of the adjacent plates. Clearly, the patent to Aota et al. neither discloses nor suggests a curved edge of an outer frame member of T-shaped section being formed to have an elongated shape has its curved portion abutted against the curved edge of an inner frame member that is formed to have an elongated shape and is curve, and subsequently friction welding the outer frame member and the inner frame member to draw a curve along their seam. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 3 is well as those claims which depend therefrom clearly distinguish over the teachings of Aota et al.

Turning now to page 3 of the Office Action, claims 3-6 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2001/0052561 issued to Wollaston et al. This rejection is likewise respectfully traversed in that the patent to

Wollaston et al. neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

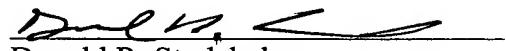
That is, as with the teachings of Aota et al., Wollaston et al. fails to disclose or suggest that the curved edge of an outer frame member of a T-shaped section is formed to have an elongated shape and the curve is abutted against the curved edge of an inner frame member that is formed to have an elongated shape and is curved, and subsequently, friction stir welding the outer frame member and inner frame member to draw a curve on their seam. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 3 as well as those claims which depend therefrom clearly distinguish over the teachings of Wollaston et al. and are in proper condition for allowance.

With respect to new claims 7-9, each of these claims recite additional limitations to the invention set forth in independent claim 3. Support for these features can be found on page 6, lines 24 through page 7, line 1 as well as Figs. 4A and 4B. Accordingly, it is respectfully submitted that these claims are likewise in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 3-9 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,


Donald R. Studebaker
Reg. No. 32,815

Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, D. C. 20004
(202) 585-8000